



1

Attorney's Docket No. UNIQA-PPA3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Imran Sharif *et al.*

Serial No.: 09/903,326

Filed: July 11, 2001

For: "Internet Appliance for Interactive Audio/Video Display Using a Remote Control Unit for User Input"

Group No.: Unknown

Examiner: Unknown

Via first class mail

Box DAC

Commissioner for Patents

Washington, D.C. 20231

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OFFICE OF PETITIONS

RESPONSE TO DECISION REFUSING STATUS, AND PETITION

FOR 4-MONTH EXTENSION OF TIME TO RESPOND

Sir:

The applicants respond to the decision (paper no. 6, mailed 04-03-02) refusing status under 37CFR1.47(a) and request a 4-month extension of the time to respond. A fee as specified by 37CFR1.17(a)(4) for response within the third month, and a surcharge for submission of a late filed Declaration as specified by 37CFR1.16(e) are included.

A declaration by the joint inventor Glen Edward Ivey is submitted herewith, making moot the issues raised in the decision (paper no. 6). The applicants request that those portions of their earlier filed petition under 37CFR1.47(a) with respect to the remaining non-signing inventors be reconsidered and granted.

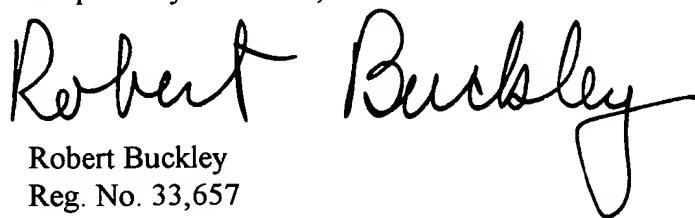
07/23/2002 AWONDAF1 00000128 09903326

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Adjustment date: 10/01/2002 SDIRETA1
07/23/2002 AWONDAF1 00000128 09903326
02 FC:218 -720.00 0P

Respectfully submitted,


Robert Buckley
Reg. No. 33,657

10/05/2002 SDIRETA1 00000004 09903326

01 FC:215

200.00 0P



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 785)

Complete if Known

Application Number	09/903,326
Filing Date	07/11/2001
First Named Inventor	SHARIF
Examiner Name	
Group Art Unit	
Attorney Docket No.	UNIQA-PPA3

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity	Small Entity	Fee from below	Fee Paid
Total Claims		-20** =	
Independent Claims		x	
Multiple Dependent		=	

$$\text{Extra Claims} \quad \text{Fee from below} \quad \text{Fee Paid}$$

$$\text{Total Claims} \quad -20** = \boxed{} \times \boxed{} = \boxed{}$$

$$\text{Independent Claims} \quad -3** = \boxed{} \times \boxed{} = \boxed{}$$

$$\text{Multiple Dependent} \quad \boxed{} = \boxed{}$$

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 260	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 785)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Robert Buckley	Registration No. (Attorney/Agent)	33657	Telephone	650-321-4063
Signature	Robert Buckley			Date	07/15/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DAK

Please type a plus sign (+) inside this box → **[+]**

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number	09/903,326
Filing Date	07/11/2001
First Named Inventor	SHARIF
Group Art Unit	
Examiner Name	
Attorney Docket Number	UNIDIA-PPA3

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition RESPONSE <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> • copy of decision • Declaration • Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert Buckley	Reg. No. 33657
Signature	Robert Buckley	
Date	07/15/02	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **07/15/2002**

Typed or printed name	Robert Buckley
Signature	Robert Buckley
Date	07/15/2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd 04/08/02 RB



Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DWW 03-02

Paper No. 6
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ROBERT BUCKLEY
PATENT ATTORNEY
P.O. BOX 2520
MENLO PARK CA 94026-2520

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APR 03 2002

OFFICE OF PETITIONS

In re Application of :
Imran, Bremsteller, Husain, and :
Ivey : DECISION REFUSING STATUS
Application No. 09/903,326 : UNDER 37 CFR 1.47(a)
Filed: 11 July, 2001 :
Attorney Docket No. UNIQA-PPA3 :
:

This is in response to the petition filed under 37 CFR 1.47(a) on 24 January, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified issue application was filed on 11 July, 2001, without an executed oath or declaration. Accordingly, on 27 August, 2001, a Notice to File Missing Parts was mailed, requiring additional claim fee(s), an executed oath or declaration, and a surcharge for their late filing. In response, on 24 January, 2002, petitioners filed the present petition, accompanied by a declaration naming Imran Sharif, John Bremsteller, Shabbir Syed Husain, and Glen Edward Ivey as joint inventors and signed by joint inventors Sharif and Husain on behalf of themselves and joint inventors Bremsteller and Ivey, the additional claim fee(s), surcharge, and petition fee. A 07/23/2002 AWONDAF1 00000128 09903326

request and payment of the fee for a two (2)-month extension of time were also submitted.

Petitioners assert that a copy of the application papers were sent to the non-signing joint inventors. Petitioners further state that joint inventor Bremsteller did not respond, while joint inventor Ivey sent back a written refusal to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1). In that petitioners state that joint inventor Ivey returned a letter indicating his express refusal to sign, petitioners must provide a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
 2201 S. Clark Place
 Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number		UNIQA-PPA3
First Named Inventor		SHARIF
COMPLETE IF KNOWN		
Application Number	09 / 903,326	
Filing Date	07/11/2001	
Art Unit		
Examiner Name		

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INTERNET APPLIANCE FOR INTERACTIVE AUDIO/VIDEO DISPLAY
USING A REMOTE CONTROL UNIT FOR USER INPUT

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(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 07/11/2001 as United States Application Number or PCT International

Application Number 09/903,326 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 3]

DECLARATION

PAGE 2 OF 3

U.S. PATENT APPLICATION, SER. NO. 09/903,326, FILED 07/11/2001
FOR "INTERNET APPLIANCE FOR INTERACTIVE AUDIO/VIDEO DISPLAY USING A
REMOTE CONTROL UNIT FOR USER INPUT"
ATTORNEY DOCKET NO. UNIQA-PPA3

THE JOINT-INVENTORS ARE:

IMRAN SHARIF, MILPITAS, CA
JOHN BREMSTELLER, CARROLLTON, TX
SHABBIR SYED HUSAIN, KHAKA, BANGLADESH
GLEN EDWARD IVEY, FORT BRAGG, CA

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PTO/SB/02A (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet Page 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
GLEN EDWARD		IVEY	
Inventor's Signature			Date <u>6/9/02</u>
Residence: City <u>FORT BRAGG</u>	State <u>CA</u>	Country <u>USA</u>	Citizenship <u>USA</u>
Mailing Address <u>27901 HIGHWAY 20</u>			
Mailing Address			
City <u>FORT BRAGG</u>	State <u>CA</u>	ZIP <u>95437</u>	Country <u>USA</u>
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			RECEIVED OFFICE OF PETITIONS Date <u>JUL 23 2002</u>
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

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U.S. PATENT APPLICATION, SER. NO. 09/903,326